



April 1, 2005

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## ENGROSSED SENATE BILL No. 224

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DIGEST OF SB 224 (Updated March 29, 2005 5:53 pm - DI 77)

**Citations Affected:** IC 12-12; IC 16-18; IC 16-27.

**Synopsis:** Independent living council, home health care services, and hospice services council. Establishes the statewide independent living council. Requires the council to assist the division of disability, aging, and rehabilitative services (division) in the preparation of a state plan to provide independent living services and promote the development of a statewide network of centers for independent living. Authorizes state grants for centers for independent living. Requires the division to review certain centers receiving federal money for compliance with federal law. Prevents a member of the home health care services and hospice services council from: (1) having an ownership interest in; or (2) serving as a voting member on the governing body of; a home health agency or a hospice. Removes the prohibition against a member having: (1) a pecuniary interest in; or (2) providing services through employment or under contract for; a home health agency or a hospice.

**Effective:** July 1, 2005.

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### Miller

(HOUSE SPONSORS — BECKER, BROWN C)

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January 4, 2005, read first time and referred to Committee on Health and Provider Services.

January 13, 2005, reported favorably — Do Pass.

January 18, 2005, read second time, ordered engrossed.

January 19, 2005, engrossed.

January 20, 2005, read third time, passed. Yeas 42, nays 0.

#### HOUSE ACTION

March 7, 2005, read first time and referred to Committee on Public Health.

March 31, 2005, amended, reported — Do Pass.

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ES 224—LS 6786/DI 104+



April 1, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 224

A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 12-12-8-2 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. As used in this  
3 chapter, "consumer control" means, with respect to a center for  
4 independent living or an eligible agency, that:

5 (1) the center or eligible agency vests power and authority in  
6 individuals with disabilities, including individuals who are or  
7 have been recipients of independent living services; **and**

8 (2) **at least fifty-one percent (51%) of the center's board and**  
9 **staff are individuals with disabilities.**

10 SECTION 2. IC 12-12-8-5 IS ADDED TO THE INDIANA CODE  
11 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
12 1, 2005]: **Sec. 5. As used in this chapter, "commissioner" means the**  
13 **commissioner of the Rehabilitation Services Administration in the**  
14 **United States Department of Education.**

15 SECTION 3. IC 12-12-8-6 IS ADDED TO THE INDIANA CODE  
16 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
17 1, 2005]: **Sec. 6. As used in this chapter, "council" means the**

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ES 224—LS 6786/DI 104+



1 statewide independent living council established by section 12 of  
2 this chapter.

3 SECTION 4. IC 12-12-8-7 IS ADDED TO THE INDIANA CODE  
4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
5 1, 2005]: Sec. 7. As used in this chapter, "federal act" refers to the  
6 Federal Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) and  
7 amendments to that statute.

8 SECTION 5. IC 12-12-8-8 IS ADDED TO THE INDIANA CODE  
9 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
10 1, 2005]: Sec. 8. As used in this chapter, "individual with a  
11 disability" means an individual who:

- 12 (1) has a physical or mental impairment that substantially
- 13 limits a major life activity;
- 14 (2) has a record of an impairment described in subdivision
- 15 (1); or
- 16 (3) is regarded as having an impairment described in
- 17 subdivision (1).

18 SECTION 6. IC 12-12-8-9 IS ADDED TO THE INDIANA CODE  
19 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
20 1, 2005]: Sec. 9. As used in this chapter, "individual with a  
21 significant disability" means an individual who has a significant  
22 physical or mental impairment that substantially limits the  
23 individual's ability to:

- 24 (1) function independently in the family or community; or
- 25 (2) obtain, maintain, or advance in employment.

26 SECTION 7. IC 12-12-8-10 IS ADDED TO THE INDIANA CODE  
27 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
28 1, 2005]: Sec. 10. As used in this chapter, "state plan" means the  
29 materials jointly developed and submitted annually by the division  
30 to the commissioner containing the state's proposals for the  
31 following:

- 32 (1) The provision of statewide independent living services.
- 33 (2) The development and support of a statewide network of
- 34 centers for independent living.
- 35 (3) Working relationships among:
  - 36 (A) programs providing independent living services and
  - 37 independent living centers; and
  - 38 (B) the vocational rehabilitation program administered by
  - 39 the division under the federal act and other programs
  - 40 providing services for individuals with disabilities.

41 SECTION 8. IC 12-12-8-11 IS ADDED TO THE INDIANA CODE  
42 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

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1, 2005]: **Sec. 11.** The division is designated as the state unit under Title VII of the federal act and has the following responsibilities:

- (1) To receive, account for, and disburse funds received by the state under the federal act based on the state plan.
- (2) To provide administrative support services to centers for independent living programs.
- (3) To keep records and take actions with respect to the records as required by the commissioner.
- (4) To submit additional information or provide assurances with respect to the independent living programs as required by the commissioner.

SECTION 9. IC 12-12-8-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 12. (a)** There is established a statewide independent living council as an entity within the division.

**(b)** The council consists of at least twenty (20) members appointed by the governor, including the following:

- (1) Each director of a center for independent living located in Indiana.
- (2) Nonvoting members from state agencies that provide services for individuals with disabilities.
- (3) Other members, that may include the following:
  - (A) Representatives of centers for independent living.
  - (B) Parents and guardians of individuals with disabilities.
  - (C) Advocates for individuals with disabilities.
  - (D) Representatives from private business.
  - (E) Representative of organizations that provide services for individuals with disabilities.
  - (F) Other appropriate individuals.

**(c)** The members appointed under subsection (b) must:

- (1) provide statewide representation;
- (2) represent a broad range of individuals with disabilities from diverse backgrounds;
- (3) be knowledgeable about centers for independent living and independent living services; and
- (4) include a majority of members who are not employed by a state agency or a center for independent living.

SECTION 10. IC 12-12-8-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 13. (a)** Each member of the council who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also

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entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the council who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

SECTION 11. IC 12-12-8-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 14. (a) A member appointed to the council by the governor serves a term of three (3) years, beginning on July 1 after appointment. However, a member appointed to fill a vacancy on the council serves for the remainder of the unexpired term.**

**(b) A member appointed to the council by the governor may not serve more than two (2) consecutive terms.**

SECTION 12. IC 12-12-8-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 15. If a vacancy occurs among the voting members of the council, the original appointing authority shall appoint a qualified individual to serve for the unexpired term of the vacating member.**

SECTION 13. IC 12-12-8-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 16. (a) The council has the powers and duties specified in this chapter.**

**(b) The council may do the following:**

- (1) Jointly develop and sign the state plan in conjunction with the designated state unit.**
- (2) Monitor, review, and evaluate the implementation of the state plan.**
- (3) Coordinate activities with the state rehabilitation council and other councils that address the needs of specific disability issues.**
- (4) Submit periodic reports to the funding sources and provide access to the records that are necessary to verify contents of the reports.**
- (5) Do other things necessary and proper to implement this**

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chapter.

(c) The council shall ensure that all meetings of the council are open to the public and in accessible formats with sufficient advance public notice.

SECTION 14. IC 12-12-8-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 17. The council and the division shall jointly prepare the state plan that must be submitted annually to the commissioner.**

SECTION 15. IC 12-12-8-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 18. The council and the division may award grants to any eligible center for independent living that receives funds under Title VII, Part B of the federal act.**

SECTION 16. IC 12-12-8-19 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 19. The council and the division shall jointly appoint a peer review committee to make recommendations for grants to new organizations eligible to be centers for independent living.**

SECTION 17. IC 12-12-8-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 20. A center for independent living is eligible to receive money under this chapter as long as the center complies with the standards and assurances required under Section 725 of the federal act. A center that receives only state or federal funds under Title VII, Part B of the federal act is subject to review by the division. A center that receives federal funds under Title VII, Part C of the federal act is subject to review by the federal government. A finding of noncompliance must be supported by a written report from the peer review committee appointed under section 19 of this chapter.**

SECTION 18. IC 12-12-8-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 21. A center for independent living that receives money under this chapter shall comply with the standards and assurances required under the state plan and Section 725 of the federal act. The center for independent living shall provide the required assurances to the council.**

SECTION 19. IC 12-12-8-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 22. (a) If:**

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(1) there is no center for independent living serving a region of Indiana or a region of Indiana is underserved; and

(2) the state receives an increase in its federal allotment that is sufficient to support an additional center for independent living in Indiana;

the council and the division may award a grant to an eligible agency for a new center for independent living in the unserved or underserved region. A grant awarded under this section must be consistent with the provisions of the state plan establishing a statewide network of centers for independent living.

(b) The council shall rank eligible agencies applying for a grant under this section using the standards and assurances required under Section 725 of the federal act. The council shall consider the ability of the applicant to operate a center for independent living and shall select an applicant using the following criteria:

(1) Evidence of the need for a center for independent living in the applicant's region of Indiana that is consistent with the state plan.

(2) The past performance of the applicant in providing services comparable to independent living services.

(3) The applicant's plan for complying with, or demonstrated compliance with, the standards and assurances set forth in Section 725 of the federal act.

(4) The quality of the applicant's key personnel and the involvement of individuals with significant disabilities.

SECTION 20. IC 12-12-8-23 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 23. (a) The division shall periodically review each new center for independent living that receives:

(1) money under Title VII, Part B of the federal act; or

(2) a grant under this chapter;

to determine whether the center is in compliance with the standards and assurances set forth in Section 725 of the federal act.

(b) If the division determines that a center reviewed under subsection (a) is not in compliance with the standards and assurances set forth in Section 725 of the federal act, the division shall immediately notify the center of the division's determination of noncompliance. A center may appeal the determination by requesting a hearing from the office of the secretary not later than thirty (30) days after receiving notice from the division.

(c) Except as provided in subsection (d), the division shall

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terminate all funds to a center determined to be in noncompliance under this section not later than ninety (90) days after the date of:

- (1) the division's notification of noncompliance; or
- (2) a final decision by the office of the secretary in the case of a center that appeals the division's determination under subsection (b).

(d) The division may not terminate the funds of a center for independent living that is determined to be noncompliant with the standards and assurances set forth in Section 725 of the federal act if:

- (1) the center submits to the division a plan for achieving compliance within ninety (90) days; and
- (2) the division approves the plan.

A plan required under this subsection must be submitted not later than thirty (30) days after the center receives a notice of noncompliance from the division under subsection (b).

SECTION 21. IC 16-18-2-150 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 150. (a) "Governing body", for purposes of IC 16-22-7, has the meaning set forth in IC 16-22-7-2.

(b) "Governing body", for purposes of IC 16-27-0.5, has the meaning set forth in IC 16-27-0.5-0.5.

~~(b)~~ (c) "Governing body", for purposes of IC 16-41-22, has the meaning set forth in IC 16-41-22-3.

SECTION 22. IC 16-27-0.5-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 0.5. As used in this chapter, "governing body" means the board of trustees, governing board, board of directors, or other body responsible for governing a home health agency or a hospice.

SECTION 23. IC 16-27-0.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) The home health care services and hospice services council is established.

(b) The council consists of sixteen (16) members as follows:

- (1) One (1) licensed physician experienced in home health care.
- (2) One (1) licensed physician with certification in hospice and palliative medicine.
- (3) Four (4) individuals as follows:
  - (A) One (1) individual engaged in the administration of a nonhospital based home health agency.
  - (B) One (1) individual engaged in the administration of a hospital based home health agency.

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- 1 (C) One (1) individual engaged in the administration of:  
 2 (i) a nonhospital based hospice; or  
 3 (ii) a hospice licensed under IC 16-25-3 that provides  
 4 in-patient care.  
 5 (D) One (1) individual engaged in the administration of a  
 6 hospital based hospice.  
 7 (4) One (1) registered nurse who is licensed under IC 25-23 and  
 8 experienced in home health care.  
 9 (5) One (1) registered nurse who is licensed under IC 25-23 with  
 10 certification in hospice and palliative medicine.  
 11 (6) One (1):  
 12 (A) physical therapist licensed under IC 25-27;  
 13 (B) occupational therapist certified under IC 25-23.5; or  
 14 (C) speech-language pathologist licensed under IC 25-35.6;  
 15 experienced in home health care.  
 16 (7) One (1) citizen having knowledge of or experience in hospice  
 17 care.  
 18 (8) One (1) citizen having knowledge of or experience in home  
 19 health agency care.  
 20 (9) One (1) registered pharmacist who is licensed under IC 25-26  
 21 with experience in hospice and palliative medicine.  
 22 (10) One (1) respiratory care practitioner who is licensed under  
 23 IC 25-34.5 and experienced in home care.  
 24 (11) One (1) individual who is a bereavement counselor with  
 25 experience in hospice care.  
 26 (12) The commissioner or the commissioner's designee.  
 27 (13) The secretary of family and social services or the secretary's  
 28 designee.  
 29 (c) The governor shall appoint the members of the council  
 30 designated by subsection (b)(1) through (b)(11).  
 31 (d) Except for the members of the council designated by subsection  
 32 (b)(12) through (b)(13), all appointments are for four (4) years. If a  
 33 vacancy occurs, the appointee serves for the remainder of the  
 34 unexpired term. A vacancy shall be filled from the same group that was  
 35 represented by the outgoing member.  
 36 (e) Except for the members of the council designated by subsection  
 37 (b)(3), a member of the council may not:  
 38 (1) have a ~~pecuniary~~ **an ownership** interest in the operation of; or  
 39 ~~provide professional services through employment or under~~  
 40 ~~contract to~~  
 41 (2) **serve as a voting member on the governing body of;**  
 42 a home health agency licensed under this article or a hospice licensed

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1 under IC 16-25.

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## COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 224, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 224 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 11, Nays 0.

## COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 224, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 12-12-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. As used in this chapter, "consumer control" means, with respect to a center for independent living or an eligible agency, that:

- (1) the center or eligible agency vests power and authority in individuals with disabilities, including individuals who are or have been recipients of independent living services; **and**
- (2) **at least fifty-one percent (51%) of the center's board and staff are individuals with disabilities.**

SECTION 2. IC 12-12-8-5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 5. As used in this chapter, "commissioner" means the commissioner of the Rehabilitation Services Administration in the United States Department of Education.**

SECTION 3. IC 12-12-8-6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 6. As used in this chapter, "council" means the statewide independent living council established by section 12 of this chapter.**

SECTION 4. IC 12-12-8-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 7. As used in this chapter, "federal act" refers to the**

ES 224—LS 6786/DI 104+



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**Federal Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) and amendments to that statute.**

**SECTION 5. IC 12-12-8-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. As used in this chapter, "individual with a disability" means an individual who:**

- (1) has a physical or mental impairment that substantially limits a major life activity;**
- (2) has a record of an impairment described in subdivision (1); or**
- (3) is regarded as having an impairment described in subdivision (1).**

**SECTION 6. IC 12-12-8-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. As used in this chapter, "individual with a significant disability" means an individual who has a significant physical or mental impairment that substantially limits the individual's ability to:**

- (1) function independently in the family or community; or**
- (2) obtain, maintain, or advance in employment.**

**SECTION 7. IC 12-12-8-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. As used in this chapter, "state plan" means the materials jointly developed and submitted annually by the division to the commissioner containing the state's proposals for the following:**

- (1) The provision of statewide independent living services.**
- (2) The development and support of a statewide network of centers for independent living.**
- (3) Working relationships among:**
  - (A) programs providing independent living services and independent living centers; and**
  - (B) the vocational rehabilitation program administered by the division under the federal act and other programs providing services for individuals with disabilities.**

**SECTION 8. IC 12-12-8-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. The division is designated as the state unit under Title VII of the federal act and has the following responsibilities:**

- (1) To receive, account for, and disburse funds received by the state under the federal act based on the state plan.**
- (2) To provide administrative support services to centers for**

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independent living programs.

(3) To keep records and take actions with respect to the records as required by the commissioner.

(4) To submit additional information or provide assurances with respect to the independent living programs as required by the commissioner.

SECTION 9. IC 12-12-8-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 12. (a) There is established a statewide independent living council as an entity within the division.**

**(b) The council consists of at least twenty (20) members appointed by the governor, including the following:**

**(1) Each director of a center for independent living located in Indiana.**

**(2) Nonvoting members from state agencies that provide services for individuals with disabilities.**

**(3) Other members, that may include the following:**

**(A) Representatives of centers for independent living.**

**(B) Parents and guardians of individuals with disabilities.**

**(C) Advocates for individuals with disabilities.**

**(D) Representatives from private business.**

**(E) Representative of organizations that provide services for individuals with disabilities.**

**(F) Other appropriate individuals.**

**(c) The members appointed under subsection (b) must:**

**(1) provide statewide representation;**

**(2) represent a broad range of individuals with disabilities from diverse backgrounds;**

**(3) be knowledgeable about centers for independent living and independent living services; and**

**(4) include a majority of members who are not employed by a state agency or a center for independent living.**

SECTION 10. IC 12-12-8-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 13. (a) Each member of the council who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.**

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(b) Each member of the council who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

SECTION 11. IC 12-12-8-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 14. (a) A member appointed to the council by the governor serves a term of three (3) years, beginning on July 1 after appointment. However, a member appointed to fill a vacancy on the council serves for the remainder of the unexpired term.**

**(b) A member appointed to the council by the governor may not serve more than two (2) consecutive terms.**

SECTION 12. IC 12-12-8-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 15. If a vacancy occurs among the voting members of the council, the original appointing authority shall appoint a qualified individual to serve for the unexpired term of the vacating member.**

SECTION 13. IC 12-12-8-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 16. (a) The council has the powers and duties specified in this chapter.**

**(b) The council may do the following:**

- (1) Jointly develop and sign the state plan in conjunction with the designated state unit.**
- (2) Monitor, review, and evaluate the implementation of the state plan.**
- (3) Coordinate activities with the state rehabilitation council and other councils that address the needs of specific disability issues.**
- (4) Submit periodic reports to the funding sources and provide access to the records that are necessary to verify contents of the reports.**
- (5) Do other things necessary and proper to implement this chapter.**

**(c) The council shall ensure that all meetings of the council are open to the public and in accessible formats with sufficient advance public notice.**

SECTION 14. IC 12-12-8-17 IS ADDED TO THE INDIANA

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CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 17. The council and the division shall jointly prepare the state plan that must be submitted annually to the commissioner.**

SECTION 15. IC 12-12-8-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 18. The council and the division may award grants to any eligible center for independent living that receives funds under Title VII, Part B of the federal act.**

SECTION 16. IC 12-12-8-19 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 19. The council and the division shall jointly appoint a peer review committee to make recommendations for grants to new organizations eligible to be centers for independent living.**

SECTION 17. IC 12-12-8-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 20. A center for independent living is eligible to receive money under this chapter as long as the center complies with the standards and assurances required under Section 725 of the federal act. A center that receives only state or federal funds under Title VII, Part B of the federal act is subject to review by the division. A center that receives federal funds under Title VII, Part C of the federal act is subject to review by the federal government. A finding of noncompliance must be supported by a written report from the peer review committee appointed under section 19 of this chapter.**

SECTION 18. IC 12-12-8-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 21. A center for independent living that receives money under this chapter shall comply with the standards and assurances required under the state plan and Section 725 of the federal act. The center for independent living shall provide the required assurances to the council.**

SECTION 19. IC 12-12-8-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 22. (a) If:**

- (1) there is no center for independent living serving a region of Indiana or a region of Indiana is underserved; and**
- (2) the state receives an increase in its federal allotment that is sufficient to support an additional center for independent living in Indiana;**

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the council and the division may award a grant to an eligible agency for a new center for independent living in the unserved or underserved region. A grant awarded under this section must be consistent with the provisions of the state plan establishing a statewide network of centers for independent living.

(b) The council shall rank eligible agencies applying for a grant under this section using the standards and assurances required under Section 725 of the federal act. The council shall consider the ability of the applicant to operate a center for independent living and shall select an applicant using the following criteria:

- (1) Evidence of the need for a center for independent living in the applicant's region of Indiana that is consistent with the state plan.
- (2) The past performance of the applicant in providing services comparable to independent living services.
- (3) The applicant's plan for complying with, or demonstrated compliance with, the standards and assurances set forth in Section 725 of the federal act.
- (4) The quality of the applicant's key personnel and the involvement of individuals with significant disabilities.

SECTION 20. IC 12-12-8-23 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 23. (a) The division shall periodically review each new center for independent living that receives:

- (1) money under Title VII, Part B of the federal act; or
- (2) a grant under this chapter;

to determine whether the center is in compliance with the standards and assurances set forth in Section 725 of the federal act.

(b) If the division determines that a center reviewed under subsection (a) is not in compliance with the standards and assurances set forth in Section 725 of the federal act, the division shall immediately notify the center of the division's determination of noncompliance. A center may appeal the determination by requesting a hearing from the office of the secretary not later than thirty (30) days after receiving notice from the division.

(c) Except as provided in subsection (d), the division shall terminate all funds to a center determined to be in noncompliance under this section not later than ninety (90) days after the date of:

- (1) the division's notification of noncompliance; or
- (2) a final decision by the office of the secretary in the case of a center that appeals the division's determination under

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subsection (b).

(d) The division may not terminate the funds of a center for independent living that is determined to be noncompliant with the standards and assurances set forth in Section 725 of the federal act if:

(1) the center submits to the division a plan for achieving compliance within ninety (90) days; and

(2) the division approves the plan.

A plan required under this subsection must be submitted not later than thirty (30) days after the center receives a notice of noncompliance from the division under subsection (b).".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 224 as printed January 14, 2005.)

BECKER, Chair

Committee Vote: yeas 8, nays 0.

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